

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CIVIL REVISION APPLICATION No 1335 of 1997

For Approval and Signature:

Hon'ble MR.JUSTICE B.J.SHETHNA

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

SHAKTI CAPACITORS PVT LTD.

Versus

RASHMIN STEEL

Appearance:

MR DAXESH T DAVE for Petitioner

MR MB GANDHI for Respondent No. 1

CORAM : MR.JUSTICE B.J.SHETHNA

Date of decision: 20/11/97

ORAL JUDGEMENT

Rule. Service of rule waived by Mr. M.B. Gandhi, learned advocate appearing for the respondent.

2. Heard. Perused the summons for judgment and leave to defend application. Perused the impugned order imposing condition of deposit of Rs.45,000/-. Bearing in mind peculiar facts and circumstances of the case and

bearing in mind the fact that the first order of deposit of Rs.25,000/- has been complied with, following order is passed, to which both the learned advocates have expressed their consensus :-

On the petitioner depositing a further sum of Rs.5,000/- on or before 5/12/1997 in the trial Court, there shall be conditional leave granted in favour of the petitioner (defendant in the suit). With this modification and modification with regard to extension of time for filing written statement by further two weeks, this petition is disposed of.

It will be open to the respondent-plaintiff to withdraw the amount deposited in the Court on the respondent-plaintiff furnishing security to the satisfaction of the trial Court.

Rule made partly absolutely in the aforesaid terms. No order as to cost.

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PVR